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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,894	08/07/2001	Tracey L. Caveness	82947	2242
24628	7590	07/01/2004	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			PICKETT, JOHN G	
		ART UNIT	PAPER NUMBER	
			3728	

DATE MAILED: 07/01/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 09/923,894  Examiner Gregory Pickett	Applicant(s) CAVENESS, TRACEY L.
	Art Unit 3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 03 May 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1,2,7-9,14-16 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,7-9,13-16 and 21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3 May 2004 has been entered. Claims 1, 2, 7-9, 14-16, and 21-23 are pending in the application.
  
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 2, 7-9, 14-16, and 21-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitations directed

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to sheets formed of a "substantially gas impermeable" material is deemed new matter that was not present in the application as originally filed. Further, since Cope et al (US 3,716,961) is evidence that a package can be vacuum-sealed and gas permeable, there is no inherent disclosure of a substantially gas impermeable sheet in the application as originally filed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Kasianovitz et al (US 5,616,337).

Kasianovitz et al discloses a method of providing a clean towel **26** in a package **4**, including the step of providing a notch **8** on the package to assist in the opening of the sealed package, by presentation.

### ***Claim Rejections - 35 USC § 103***

5. Claims 1, 2, 7, 15, 16, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ravich (US 3,889,804) in view of Miller (US 6,209,724) and Montepiani et al (US 6,260,705).

Regarding claim 1, Ravich discloses a compact packaged towel (see for example Figure 2) comprising at least one towel **24 & 25**, a first and second sheet **20** of substantially gas impermeable material (see Col. 2, lines 1-5) sealed along their edges to form a compartment **21 & 22** in which the at least one towel is positioned (see Figure 2). Ravich lacks or does not expressly disclose substantially all of the air removed from the compartment or at least one perforation.

Miller discloses a pouched product that is vacuum-sealed to reduce the space requirements of the pouch (see for example the Abstract and Col. 3, lines 36-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to vacuum-seal the packaged towel of Ravich as taught by Miller in order to reduce the overall size of the package.

As to the perforations, Montepiani et al discloses that it was known in the art to apply perforations to a package to assist in opening (see Col. 1, lines 27-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the packaged towel of Ravich-Miller with a perforation as taught by Montepiani et al in order to assist in the opening of the package.

The packaged towel of Ravich-Miller-Montepiani is capable of functioning as claimed.

As to claim 2, the packaged towel of Ravich-Miller-Montepiani discloses a folded towel (Ravich Figure 2).

As to claim 7, the packaged towel of Ravich-Miller-Montepiani discloses a moistened towel (Ravich, Col. 1, lines 34-35).

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Regarding claim 15, the packaged towel of Ravich-Miller-Montepiani, as applied to claim 1, discloses the claimed invention except for the pull string. Montepiani et al discloses that it was known in the art to apply a pull string to a package to assist in opening (see Col. 1, lines 27-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the packaged towel of Ravich-Miller-Montepiani with a pull string as taught by Montepiani et al in order to assist in the opening of the package.

As to claim 16, the packaged towel of Ravich-Miller-Montepiani discloses a folded towel (Ravich Figure 2).

Regarding claims 21 and 22, the packaged towel of Ravich-Miller-Montepiani, as applied to claim 1, discloses the claimed method by presentation.

6. Claims 8, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasianovitz et al (US 5,616,337) in view of Miller (US 6,209,724).

Regarding claim 8, Kasianovitz et al discloses a compact packaged towel 4 comprising at least one towel 26, a single sheet 5 of substantially gas impermeable material (foil) folded and sealed along its perimeter to form a compartment 14 in which the at least one towel is positioned (see Figure 2), and notch 8. Kasianovitz et al lacks or does not expressly disclose substantially all of the air removed from the compartment.

Miller discloses a pouched product that is vacuum-sealed to reduce the space requirements of the pouch (see for example the Abstract and Col. 3, lines 36-41). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to vacuum-seal the packaged towel of Kasianovitz et al as taught by Miller in order to reduce the overall size of the package.

The packaged towel of Kasianovitz-Miller is capable of functioning as claimed by the applicant.

As to claim 9, the packaged towel of Kasianovitz-Miller discloses a folded towel (Kasianovitz Figure 2).

As to claim 14, the packaged towel of Kasianovitz-Miller discloses a towel moistened with a liquid (Kasianovitz et al, when the two chambers are mixed).

### ***Response to Arguments***

7. Applicant's arguments, see pages 6 and 7, filed 3 May 2004, with respect to the rejection(s) of claim(s) 1, 2, 7-9, and 14-16 under 35 USC 103(a) in view of Cope et al have been fully considered. Cope et al does, indeed, disclose gas-permeable sheets, and when considered with the limitation of a substantially gas-impermeable sheet, the applicant's arguments are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art, Miller (US 6,209,724).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pickett whose telephone number is 703-305-8321. The examiner can normally be reached on Mon-Fri, 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 703-308-2672. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*GPP*  
Gregory Pickett  
Examiner  
24 June 2004

*Mickey Yu*  
Mickey Yu  
Supervisory Patent Examiner  
Group 3700